REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this reissue application are respectfully solicited.

Status of the Claims

Original patent claims 1-60 were canceled by previous amendment.

Claims 61-85, filed with this reissue application on October 16, 2001 were canceled by previous amendment.

Claims 86, 91, 92, 97, 98, 103, 104, 105, 111, 112, 117, 118, 119, 124, 125, 130, 131, 132, 138, 139, 144, 146, 148, 150, 152, 153, 156, 159, 161, 163, 164 and 167presented by the amendment filed March 30, 2010, are amended by this paper. These amended claims are presented herein in the form required by 37 CFR 1.173(d). The details of the amendments made to these claims are clearly set forth in the accompanying Appendix.

Dependent claims 91, 97, 103, 105, 111, 117, 118, 124, 130, 132, 138, 144, 153, and 164 are amended to be consistent with the respective independent claims from which these dependent claims depend.

Dependent claims 87-90, 93-96, 99-102, 107-110, 113-116, 120-123, 126-129, 134-137, 140-143, 147. 149, 151, 155, 157, 160, 162, 166 and 168, presented by the amendment filed March 30, 2010, were canceled by the amendment filed August 31, 2010.

Claim 170 is canceled by this paper.

Dependent claims 106, 133, 154. 158, 165 and 169, presented by the amendment filed March 30, 2010, are not changed and remain in the same form as originally presented.

Claims 86, 91, 92, 97, 98, 103-106, 11, 112, 117-119, 124, 125, 130-133, 138, 139, 144-146, 148, 150, 152-154, 156, 158, 159, 161, 163-165, 167 and 169 are presented for

consideration. The accompanying Appendix shows the changes made to the claims by the present amendment. The identifiers used in the claims presented in the Appendix identify those claims that are amended by the present paper, those claims that are canceled, and those claims that were previously submitted during the prosecution of the instant application but are not changed by the present paper.

Rejection of the Claims

The claims remaining in this application were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Publication WO92/16944 (Platte) in view of U.S. Patent No. 4,044,380 (Justice) for the same reasons set forth in the previous Office Action dated July 8, 2009. This rejection has been repeated since the July 8, 2009 Office Action.

Platte is a published international application published in German. An English translation of European published application 0 576 458, corresponding to the German-language disclosure of WO92/16944, was submitted with the amendment filed March 30, 2010. The following discussion is based upon this English translation.

As explained in the March 30, 2010 amendment, Platte records subcodes on the same tape cassette on which video signals are recorded. The subcodes "ensure that copying restrictions, e.g. by way of copyright, are observed and to avoid unauthorized copying processes" (paragraph bridging pages 1 and 2 of the English translation). The subcodes include a source identifier SI to identify whether the cassette has been recorded by the owner, whether the cassette originates from a copying plant and whether the cassette has been recorded off the air (see the top three subparagraphs at page 2 of the English translation). Platte does not describe his source identifier SI as a "plural-bit mode number," and to do so is mere speculation because there is no teaching, discussion or inference in Platte to support such an unfounded interpretation of his source

identifier. The subcodes also include a copy counter CC that is described as a single bit having the value 0 or 1 to represent the number of copies (zero or one) that have been made from the cassette (see Platte's Figs. 1-3 and the associated text at pages 5-7). Finally, Platte includes in his subcodes the word (presumably a single bit) "no" or "yes" which indicates whether the cassette is copy protected and, thus, a copy cannot be made ("yes"), or the cassette is not copy protected and, thus a copy is permitted ("no") (see Platte pages 5-7, describing Figs. 1-3). According to Platte, these subcodes provide "a high degree of flexibility in logically distinguishing different cases on the basis of the source information for controlling the functioning of the equipment and for ensuring, if necessary, that copying is prevented."

Applicants' representative repeats his previous argument that Platte's subcodes differ significantly from the "plural-bit mode number and associated plural-bit data or data flags" previously recited by Applicants' claims. In an earnest effort to emphasize this deficiency of Platte, Applicants' claims are amended to clearly recite:

> at least two sets of data bits, a first of said sets being a plural-bit mode number and a second of said sets being plural-bit data or data flags wherein said plural-bit mode number of said first set of data bits selectively classifies said second set of data bits as copy protection information or as different information depending upon the content of said plural-bit mode number,
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> ***
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> ...whereby said second set of data bits represent said different information when said plural-bit mode number does not classify said second set of data bits as copy protection information.

It is respectfully submitted, Platte cannot be reasonably interpreted to teach two sets of bits, where the first set is a plural-bit number that classifies the second set as copy protection information or as different information.

Assuming Platte's subcode is construed as two sets of data bits. Is Platte's source identification SI the "first set?" If so, this source identification is not a "plural-bit number," as argued above. Furthermore, the source identification does not classify the remaining bits CC (Platte's copy counter) and CP (Platte's copy protection information) as "different information." At best, Platte's source identification SI is used only with copy protection bits CC and CP. Platte does not suggest that his source identification SI, or any bits that possibly could replace SI, should be used to classify bits that possibly could replace bits CC and CP as "different information." It is not seen from Figs. 1-3 of Platte that Platte's subcode could or should be used to represent any information other than copy protection information. Platte's disclosure is limited strictly to copy protection. Consequently, since Platte's subcode contains only copy protection data, there is no need for Platte to provide, for example, a preamble to selectively classify plural bits "whereby said second set of data bits represent said different information when said plural-bit mode number [of the first set] does not classify said second set of data bits as copy protection information."

Another difference, argued previously, between the "copy generation data" recited by Applicants' claim 86, for example, and the subcode described by Platte is that Applicants' copy generation data indicates "the number of successive generations of copies that can be made from the processed video signal," whereas Platte's copy counter CC indicates the number of copies that have already been made. Consequently, Platte's copy counter does not provide any indication of the number of permitted copies of the video signal that remain. An indication of the number of copies that have already been made, which is the function of Platte's copy counter, as opposed to the number of permitted copies that remain, which is recited in Applicants' claims, is, without more, minimally useful for copy control.

In the Office Action of June 11, 2010, the Examiner contended that Fig. 2 of Platte "illustrates the concept of such a video cassette including additional information comprising a code CC with the value zero that would permit a back-up copy to be made. When the backup copy has the value '1' for the code CC, it indicates that no further copy may be made." Fig. 2 is described at page 6 of Platte:

> "A thus identified cassette 26 [purchased and prerecorded] can be reproduced by a video recorder 28 and a back-up copy 34 can be prepared by means of a video recorder 30. The back-up copy 34 then contains a sub code in which the copy counter is set to '1'. A further copy of the back-up copy 34 by means of a further video recorder 36, 38 is then no longer possible."

It is respectfully submitted, the clear teachings of Platte state that when CC is "1," no copies can be made. When CC is "0," any number of copies can be made on recorder 30, even if CP is "yes." Platte does not suggest that when recorder 30 makes a copy of cassette 26, that the copy counter CC on cassette 26 is changed. Rather, the copy counter CC on cassette 26 remains unchanged at "0" so that further copies of the cassette can be made on recorder 30. When a copy 34 is made from cassette 26, the copy counter CC on cassette 34 is set at "1" to prevent a copy of cassette 34 from being made by recorder 36,38. Therefore, copy counter CC on cassette 26 does not "indicate the number of successive generations of copies that can be made" from that cassette. Likewise, copy counter CC on cassette 34 merely indicates whether or not a copy can be made from cassette 34 (0 indicates unlimited copies and 1 indicates no copies); but does not indicate "the number of successive generations of copies that can be made."

Justice was cited for the "concept of ... plural-bit mode codes being superposed in VBID data in the same line interval. However, Justice does not cure the aforenoted deficiencies found in Platte.

For the foregoing reasons, claim 86, as well as all the remaining claims in this application, are unobvious and are patentable over the combination of Platte in view of Justice. Therefore, it is respectfully submitted, claims 86, 91, 92, 97, 98, 103-106, 111, 112, 117-119, 124, 125, 130-133, 138, 139, 144-146, 148, 150, 152-154, 156, 158, 159, 161, 163-165, 167 and 169 are patentably distinct over Platte in combination with Justice.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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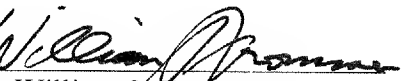
By 
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